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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DUNN & FENLEY, L.L.C. doing business as  
K DUNN & ASSOCIATES,

Civil No. CV 02 –1750 JE

Plaintiff,

**PROPOSED VERDICT FORM**

vs.

RONALD L. ALLEN, an individual and  
ALLEN EYE CARE ASSOCIATES, S.C., a  
Wisconsin service corporation,

Defendants.

Defendants Ronald L. Allen and Allen Eye Care Associates, S.C. ("Defendants")  
request that the following verdict form be submitted to the jury.

DATED this 4<sup>th</sup> day of April, 2007.

TONKON TORP LLP

By /s/ David S. Aman

DAVID S. AMAN, OSB No. 96210

CAROLINE HARRIS CROWNE, OSB No. 02131

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

Answer the following questions based on your findings from a preponderance of the evidence:

**BREACH OF CONTRACT**

**DEFENDANTS ALLEN EYE CARE ASSOCIATES AND  
RONALD ALLEN, M.D.**

1. Did plaintiff K Dunn & Associates suffer damages as a result of defendants' breach of contract?

ANSWER: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes, how much? \$ \_\_\_\_\_

**COPYRIGHT INFRINGEMENT**

**DEFENDANT ALLEN EYE CARE ASSOCIATES**

2. Did plaintiff K Dunn & Associates suffer actual damages as a result of defendant Allen Eye Care Associates' copyright infringement?

ANSWER: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes, how much? \$ \_\_\_\_\_

3. Is plaintiff K Dunn & Associates entitled to recover any profits in addition to actual damages from defendant Allen Eye Care Associates?

ANSWER: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes, how much? \$ \_\_\_\_\_

4. Did defendant Allen Eye Care Associates willfully infringe plaintiff K Dunn & Associates' copyright?

ANSWER: YES \_\_\_\_\_ NO \_\_\_\_\_

5. How much do you award against defendant Allen Eye Care Associates in statutory damages for copyright infringement? \$ \_\_\_\_\_

DEFENDANT RONALD ALLEN, M.D.

6. Did K Dunn & Associates suffer actual damages as a result of defendant Ronald Allen, M.D.'s copyright infringement?

ANSWER: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes, how much? \$ \_\_\_\_\_

7. Is K Dunn & Associates entitled to recover any profits in addition to actual damages from defendant Ronald Allen, M.D.?

ANSWER: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes, how much? \$ \_\_\_\_\_

8. Did defendant Ronald Allen, M.D. willfully infringe plaintiff K Dunn & Associates' copyright?

ANSWER: YES \_\_\_\_\_ NO \_\_\_\_\_

9. How much do you award against defendant Ronald Allen, M.D. in statutory damages for copyright infringement? \$ \_\_\_\_\_

SO SAY WE ALL.

\_\_\_\_\_  
Presiding Juror

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing PROPOSED VERDICT FORM on:

Kenneth R. Davis, II, Esq.  
Lane Powell Spears Lubersky  
2100 ODS Tower  
601 S.W. Second Avenue  
Portland, Oregon 97204-3158

by electronic means through the Court's Case Management/Electronic Case File  
system on the date set forth below.

DATED this 4th day of April, 2007.

TONKON TORP LLP

By /s/ David S. Aman  
DAVID S. AMAN, OSB No. 96210  
CAROLINE HARRIS CROWNE, OSB No. 02131  
Attorneys for Defendants